

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY JULY 1, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 113

Introduced by Senator Jackson
(Coauthors: Senators Leno and Padilla)
(Coauthor: Assembly Member Alejo)

January 15, 2013

An act to amend Sections 2102, 2106, 2150, 2156, 2205, and 2220 of, and to add Section 2155.3 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 113, as amended, Jackson. Elections: voter registration.

Existing law authorizes a person who is at least 17 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age. These provisions become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

This bill would lower the minimum age for purposes of submitting an affidavit of registration pursuant to these provisions to 16 years of age. The bill also would make conforming changes to existing law.

Existing law requires that, upon receipt of a properly executed affidavit of registration or address correction notice or letter, the county

elections official send the voter a voter notification containing specified information.

This bill would require that, if an affidavit of registration is submitted by a person who is at least 16 years of age and otherwise meets all voter eligibility requirements, the county elections official send a ~~pre-registration~~ *preregistration* notice to that voter upon a determination that the affidavit of registration is properly executed and that the person otherwise satisfies all eligibility requirements to vote, except that he or she is under 18 years of age. The bill would prescribe the format of the voter ~~pre-registration~~ *preregistration* notice and make conforming changes. *The bill further prohibits these provisions from becoming operative unless the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002.*

Existing law requires a county elections official to conduct a preelection residency confirmation procedure by the 90th day immediately prior to the primary election, and requires the official to mail a nonforwardable postcard to each registered voter of the county preceding the direct primary election. Existing law provides that the official, at his or her discretion, is not required to mail the residency confirmation postcard to any voter who has voted at an election held within the last 6 months preceding the start of the procedure.

This bill would provide that a county elections official is not required to mail a residency confirmation postcard to any person under 18 years of age who has submitted a properly executed affidavit of registration and who will not be 18 years of age on or before the primary election.

This bill would incorporate additional changes to Section 2102 of the Elections Code proposed by AB 2562 that would become operative only if AB 2562 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

By imposing new requirements on local elections officials in processing voter registrations and sending voter notifications, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 2102 of the Elections Code, as amended by Section 2 of Chapter 364 of the Statutes of 2009, is amended to read:

2102. (a) A person shall not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraph (1) or (2) on or before the 15th day prior to the election.

(b) For purposes of verifying signatures on a recall, initiative, or referendum petition or signatures on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter may not be taken under sworn oath, but the content of the affidavit shall be certified as to

1 its truthfulness and correctness, under penalty of perjury, by the
2 signature of the affiant.

3 (d) A person who is at least 16 years of age and otherwise meets
4 all eligibility requirements to vote may submit his or her affidavit
5 of registration as prescribed by this section. A properly executed
6 registration made pursuant to this subdivision shall be deemed
7 effective as of the date the affiant will be 18 years of age, if the
8 information in the affidavit of registration is still current at that
9 time. If the information provided by the affiant in the affidavit of
10 registration is not current at the time that the registration would
11 otherwise become effective, for his or her registration to become
12 effective, the affiant shall provide the current information to the
13 proper county elections official as prescribed by this chapter.

14 *SEC. 1.5. Section 2102 of the Elections Code, as amended by*
15 *Section 2 of Chapter 364 of the Statutes of 2009, is amended to*
16 *read:*

17 2102. (a) A person ~~may~~ *shall* not be registered as a voter except
18 by affidavit of registration. The affidavit shall be mailed or
19 delivered to the county elections official and shall set forth all of
20 the facts required to be shown by this chapter. A properly executed
21 registration shall be deemed effective upon receipt of the affidavit
22 by the county elections official if received on or before the 15th
23 day prior to an election to be held in the registrant's precinct. A
24 properly executed registration shall also be deemed effective upon
25 receipt of the affidavit by the county elections official if any of
26 the following apply:

27 (1) The affidavit is postmarked on or before the 15th day prior
28 to the election and received by mail by the county elections official.

29 (2) The affidavit is submitted to the Department of Motor
30 Vehicles or accepted by any other public agency designated as a
31 voter registration agency pursuant to the *federal* National Voter
32 Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ *1973gg et seq.*)
33 on or before the 15th day prior to the election.

34 (3) The affidavit is delivered to the county elections official by
35 means other than those described in paragraphs (1) ~~or~~ *and* (2) on
36 or before the 15th day prior to the election.

37 (4) *The affidavit is submitted electronically on the Internet Web*
38 *site of the Secretary of State pursuant to Section 2196 on or before*
39 *the 15th day prior to the election.*

(b) For purposes of verifying ~~signatures~~ *a signature* on a recall, initiative, or referendum petition or ~~signatures~~ *a signature* on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other ~~provision of law to the contrary,~~ the affidavit of registration required under this chapter ~~may~~ *shall* not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least ~~17~~ *16* years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

SEC. 2. Section 2106 of the Elections Code, as amended by Section 3 of Chapter 364 of the Statutes of 2009, is amended to read:

2106. A program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to a printed literature or media announcement made in connection with these programs, contain this statement: “A person entitled to register to vote must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the election. A person may preregister to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 16 years of age.” A county elections official may continue to use existing materials

1 before printing new or revised materials required by any changes
2 to this section.

3 SEC. 3. Section 2150 of the Elections Code, as amended by
4 Chapter 364 of the Statutes of 2009, is amended to read:

5 2150. (a) The affidavit of registration shall show:

6 (1) The facts necessary to establish the affiant as an elector.

7 (2) The affiant's name at length, including his or her given
8 name, and a middle name or initial, or if the initial of the given
9 name is customarily used, then the initial and middle name. The
10 affiant's given name may be preceded, at affiant's option, by the
11 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied
12 the right to register because of his or her failure to mark a prefix
13 to the given name and shall be so advised on the voter registration
14 card. This subdivision shall not be construed as requiring the
15 printing of prefixes on an affidavit of registration.

16 (3) The affiant's place of residence, residence telephone number,
17 if furnished, and e-mail address, if furnished. A person shall not
18 be denied the right to register because of his or her failure to furnish
19 a telephone number or e-mail address, and shall be so advised on
20 the voter registration card.

21 (4) The affiant's mailing address, if different from the place of
22 residence.

23 (5) The affiant's date of birth to establish that he or she will be
24 at least 18 years of age on or before the date of the next election.
25 In the case of an affidavit of registration submitted pursuant to
26 subdivision (d) of Section 2102, the affiant's date of birth to
27 establish that he or she is at least 16 years of age.

28 (6) The state or country of the affiant's birth.

29 (7) (A) In the case of an applicant who has been issued a current
30 and valid driver's license, the applicant's driver's license number.

31 (B) In the case of any other applicant, other than an applicant
32 to whom subparagraph (C) applies, the last four digits of the
33 applicant's social security number.

34 (C) If an applicant for voter registration has not been issued a
35 current and valid driver's license or a social security number, the
36 state shall assign the applicant a number that will serve to identify
37 the applicant for voter registration purposes. To the extent that the
38 state has a computerized list in effect under this subdivision and
39 the list assigns unique identifying numbers to registrants, the

1 number assigned under this subparagraph shall be the unique
2 identifying number assigned under the list.

3 (8) The affiant's political party preference.

4 (9) That the affiant is currently not imprisoned or on parole for
5 the conviction of a felony.

6 (10) A prior registration portion indicating whether the affiant
7 has been registered at another address, under another name, or as
8 preferring another party. If the affiant has been so registered, he
9 or she shall give an additional statement giving that address, name,
10 or party.

11 (b) The affiant shall certify the content of the affidavit as to its
12 truth and correctness, under penalty of perjury, with the signature
13 of his or her name and the date of signing. If the affiant is unable
14 to write he or she shall sign with a mark or cross.

15 (c) The affidavit of registration shall also contain a space that
16 would enable the affiant to state his or her ethnicity or race, or
17 both. An affiant shall not be denied the ability to register because
18 he or she declines to state his or her ethnicity or race.

19 (d) If a person, including a deputy registrar, assists the affiant
20 in completing the affidavit, that person shall sign and date the
21 affidavit below the signature of the affiant.

22 (e) The affidavit of registration shall also contain a space to
23 permit the affiant to apply for permanent vote by mail status.

24 (f) The Secretary of State may continue to supply existing
25 affidavits of registration to county elections officials prior to
26 printing new or revised forms that reflect the changes made to this
27 section by the act that added this subdivision.

28 SEC. 4. Section 2155.3 is added to the Elections Code, to read:

29 2155.3. (a) In lieu of the voter notification required by Section
30 2155, a person under 18 years of age who submits an affidavit of
31 registration pursuant to Section 2101 or subdivision (d) of Section
32 2102, as amended by the act adding this section shall be sent a
33 voter preregistration notice upon a determination that the affidavit
34 of registration is properly executed and that the person otherwise
35 satisfies all eligibility requirements to vote, except that he or she
36 is under 18 years of age. The county elections official shall send
37 the voter preregistration notice by nonforwardable, first-class mail,
38 address correction requested.

39 (b) The voter preregistration notice required by subdivision (a)
40 shall be substantially in the following form:

1 ~~VOTER PRE-REGISTRATION~~ *PREREGISTRATION* NOTICE

2
3 Thank you for registering to vote. You may vote in any election
4 held on or after your 18th birthday.

5 Your party preference is: (Name of political party)

6 Before any election in which you are eligible to vote, you will
7 receive a sample ballot and voter pamphlet by mail.

8 If the information on this card is incorrect, please contact our
9 office or update your registration at the Internet Web site of the
10 Secretary of State.

11 SEC. 5. Section 2156 of the Elections Code is amended to read:

12 2156. The Secretary of State shall print, or cause to be printed,
13 the blank forms of the voter notification prescribed by Section
14 2155 and the voter preregistration notice prescribed by Section
15 2155.3. The Secretary of State shall supply the forms to the county
16 elections official in quantities and at times requested by the county
17 elections official. The Secretary of State may continue to supply,
18 and the county elections officials may continue to use, existing
19 forms prior to printing new or revised forms as required by any
20 changes to Section 2155 or 2155.3.

21 SEC. 6. Section 2205 of the Elections Code, as amended by
22 Section 5 of Chapter 364 of the Statutes of 2009, is amended to
23 read:

24 2205. The local registrar of births and deaths shall notify the
25 county elections official not later than the 15th day of each month
26 of all deceased persons 16 years of age and over, whose deaths
27 were registered with him or her or of whose deaths he or she was
28 notified by the State Registrar of Vital Statistics during the
29 preceding month. This notification shall include at least the name,
30 sex, age, birthplace, birth date, place of residence, and date and
31 place of death of each decedent.

32 The county elections official shall cancel the affidavit of
33 registration of the deceased voter.

34 SEC. 7. Section 2220 of the Elections Code is amended to read:

35 2220. (a) The county elections official shall conduct a
36 preelection residency confirmation procedure as provided in this
37 article. This procedure shall be completed by the 90th day
38 immediately prior to the primary election. The procedure shall be
39 initiated by mailing a nonforwardable postcard to each registered
40 voter of the county preceding the direct primary election. Postcards

1 mailed pursuant to this article shall be sent “Address Correction
2 Requested, Return Postage Guaranteed,” and shall be in
3 substantially the following form:

4 “We are requesting your assistance in correcting the addresses
5 of voters who have moved and have not reregistered.

6 “1. If you still live at the address noted on this postcard, your
7 voter registration will remain in effect and you may disregard this
8 notice.

9 “2. If the person named on this postcard is not at this address,
10 please return this postcard to your mail carrier.”

11 (b) The county elections official, at his or her discretion, shall
12 not be required to mail a residency confirmation postcard pursuant
13 to subdivision (a) to any voter who has voted at an election held
14 within the last six months preceding the start of the confirmation
15 procedure or to any person under 18 years of age who has
16 submitted a properly executed affidavit of registration pursuant to
17 subdivision (d) of Section 2102 and who will not be 18 years of
18 age on or before the primary election.

19 *SEC. 8. Sections 4, 5, and 7 of this bill shall become operative*
20 *only if the Secretary of State certifies that the state has a statewide*
21 *voter registration database that complies with the requirements*
22 *of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301*
23 *et seq.).*

24 *SEC. 9. Section 1.5 of this bill incorporates amendments to*
25 *Section 2102 of the Elections Code proposed by both this bill and*
26 *AB 2562. It shall only become operative if (1) both bills are enacted*
27 *and become effective on or before January 1, 2015, (2) each bill*
28 *amends Section 2102 of the Elections Code, and (3) this bill is*
29 *enacted after AB 2562, in which case Section 1 of this bill shall*
30 *not become operative.*

31 ~~SEC. 8.~~

32 *SEC. 10.* If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.